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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[21 January 1991]

1. In agreement with the French League for Human Rights, the International Federation of Human Rights (FIDH) organized a mission in France to ascertain the current state of progress of the pending judicial proceedings for crimes against humanity in respect of individuals who exercised French administrative authority at the time of the deportation of 76,000 Jews from France between 1940 and 1945.

2. FIDH's initiative was prompted by fact that, 45 years after the end of the Second World War, France has so far failed to bring to trial anyone of French nationality who was responsible for the deportation of Jews.

3. FIDH notes that France has always presented the image of a home of human rights, as emphasized by the recent commemoration of the bicentennial of the French Revolution.

4. Yet, France was the only one of the Western European countries occupied by Germany during the War to adopt its own anti-Semitic policy and independent anti-Semitic legislation. Without the assistance of the French administrative authorities and the French police, the German occupation authorities, which did not have the necessary forces, would not have been able to list, identify, arrest and deport 76,000 Jews.

5. Moreover, when the implementation of the "final solution" began, the Vichy régime voluntarily offered to arrest foreign Jews in the unoccupied zone and turn them over to the Germans; René Bousquet, Secretary-General of the Vichy police, even proposed that Jewish children should be included in the deportation trains.

6. However, after this period of collaboration, France has shown a manifest refusal to examine the real responsibilities in the collaboration process; while Pétain, Laval and other French officials were tried, the French State, through the Department of Public Prosecution, has never brought any proceedings against French administrative officials who collaborated in the "final solution".

7. Even more serious, when the victims or their families have filed civil claims, the investigation of these claims has made unusually slow progress, to say the least. The case of Jean Leguay, deputy to René Bousquet, Secretary-General of the Vichy police, is particularly revealing. His guilt was established only after an investigation lasting 10 years. The investigation was brought to a close by the death of the accused, who thus escaped conviction.

8. Paul Touvier, regional chief of the Militia, was arrested only in 1989, 16 years after complaints had been lodged by relatives of members of the Resistance. It also took the French judicial authorities eight years to carry out an arrest warrant against him.

9. In December 1981, four complaints accompanied by civil claims were lodged against Maurice Papon, former Secretary-General of the Gironde Prefecture. In 1990, the investigation had still not been completed.

10. Lastly, it may be noted that the proceedings concerning René Bousquet, resulting from complaints lodged against him on 3 December 1989, have for 18 months been held up by the problem of the competence of the court responsible for investigating the case. It is to be feared that these proceedings, like those involving his former deputy, Jean Leguay, will be terminated by the death of the accused.

11. Suffice it to recall that the French Government was outstandingly efficient in investigating and organizing the trial of Klaus Barbie, of German nationality, who was also prosecuted for crimes against humanity. This raises the legitimate question whether double standards are being applied, depending on whether the trial of German nationals or of French nationals responsible for deporting 76,000 Jews is concerned.

12. In any event, FIDH considers that these crimes form part of the common memory of mankind and cannot be allowed to be shamefully concealed because of a possible decision by one French authority or another or through procedural subterfuges by judges subscribing to the prevailing political philosophy.

13. FIDH intends to keep a close watch on the progress of these proceedings and expresses the hope that the image of France as the home of human rights will be reflected not only in commemorative celebrations but also in the exercise of a justice characterized by rapidity, impartiality and independence.

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